

REMARKS/ARGUMENTS

Applicant has reviewed and considered the final Office Action dated January 13, 2006 and the cited reference therein. In response thereto, claim 4 is amended. Claims 4-6 are pending in the present application.

Rejections Under 35 U.S.C. § 102

Claims 4-6 are rejected under 35 U.S.C. § 102(e) as being anticipated by Song (U.S. Publication No. 20010008523). Applicant respectfully traverses the rejection for at least the following reasons.

Claim 4 recites a method for identifying a primary cell under Site Selective Diversity Transmit, wherein each cell is considered as non-primary cell initially, the method comprising the steps of assigning a temporary identifier by a network system to the each cell; transmitting an identifier indicating the primary cell periodically by a mobile station to connected cells via up link feedback indication fields; and receiving, by a base station, the identifier indicating the primary cell transmitted by the mobile station, if signals received by the base station satisfy with one of conditions, then the base station considers itself as the primary cell, and wherein the conditions are: (A) an identifier code word indicating the primary cell received by the base station is matched with the identifier code word of itself; (B) quality of up link signals received by the base station does not satisfy with a quality threshold, wherein the quality threshold is a parameter defined by the network system; (C) bits of dropping of the identifier code word caused by using an up link compression mode excess a value, wherein the value is a maximum integer not larger than 1/3 length of the identifier code word; and wherein in the condition B), the identifier code word indicating the primary cell received by the base station has a certain matching degree with an ID code word of the cell itself; and wherein the steps of transmitting and receiving are performed periodically and the cell will no longer consider itself as primary cell when the conditions are not satisfied.

Song discloses a method for generating and transmitting optimal cell ID codes. More particularly, Song discloses a method for generating and transmitting optimal cell (base station) identification codes in a W-CDMA mobile communication system. Song does not disclose or

teach that each cell (base station) is considered to be non-primary cell initially and will be regarded as primary cell only when it satisfies the conditions, as recited in claim 4. To the contrary, in Song, the cells consider themselves as primary cells initially and they will consider themselves as non-primary cells only when some conditions are satisfied. As described in page 3, paragraph [0021], line 3, "Particularly, a cell is non-primary if the following conditions are met, where NID is a length (a number of bits) of the generated temporary ID..." Otherwise, if any one of the above three conditions are not met, a cell is maintained as a primary cell (see page 3, paragraph [0025]). Thus, Song not only fails to disclose or teach the recited invention, but also teaches away from the recited invention. In Song, low quality bases are regarded as primary cells, e.g. due to incorrect identification caused by low quality signals. The claimed invention provides a solution to this problem because each cell (base station) is considered as non-primary cell initially and will be regarded as primary cell when it satisfies one of the conditions, that is only those high quality base stations are regarded as primary cells (base stations). Thus, Applicant respectfully submits that claim 4 patentably distinguishes over Song.

Claims 5-6 which are dependent from claim 4 are also patentable for at least the same reasons above.

Conclusion

In view of the above, it is respectfully submitted that the present application is in condition for allowance. Reconsideration of the present application and a favorable response are respectfully requested.

If a telephone conference would be helpful in resolving any remaining issues, please contact the undersigned at (612) 752-7367.

Respectfully submitted,

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